

Introduced by Senator Price

February 15, 2013

An act to amend Sections 1000, 2531, 2531.75, and 2570.19 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as introduced, Price. Healing arts: boards.

The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the act.

This bill would provide that the powers and duties of the State Board of Chiropractic Examiners, as provided, shall be subject to review by the appropriate policy committees of the Legislature as if those provisions were scheduled to be repealed on January 1, 2018.

Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in the Department of Consumer Affairs and makes the board responsible for the licensure of speech-language pathologists, audiologists, and hearing aid dispensers. Existing law authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint Sunset Review and Committee prior to that repeal.

This bill would instead repeal those provisions on January 1, 2018, and would subject the board to review by the appropriate policy committees of the Legislature.

Existing law provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy

within the Department of Consumer Affairs. Existing law repeals those provisions on January 1, 2014, and subjects the board to review by the Joint Sunset Review Committee prior to that repeal.

This bill would instead repeal those provisions on January 1, 2018, would subject the board to review by the appropriate policy committees of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1000 of the Business and Professions
2 Code is amended to read:

3 1000. The law governing practitioners of chiropractic is found
4 in an initiative act entitled “An act prescribing the terms upon
5 which licenses may be issued to practitioners of chiropractic,
6 creating the State Board of Chiropractic Examiners and declaring
7 its powers and duties, prescribing penalties for violation hereof,
8 and repealing all acts and parts of acts inconsistent herewith,”
9 adopted by the electors November 7, 1922. *Notwithstanding any*
10 *other law, the powers and duties of the State Board of Chiropractic*
11 *Examiners, as set forth in this article and under the act creating*
12 *the board, shall be subject to review by the appropriate policy*
13 *committees of the Legislature. The review shall be performed as*
14 *if this chapter were scheduled to be repealed as of January 1,*
15 *2018.*

16 SEC. 2. Section 2531 of the Business and Professions Code is
17 amended to read:

18 2531. (a) There is in the Department of Consumer Affairs a
19 Speech-Language Pathology and Audiology and Hearing Aid
20 Dispensers Board in which the enforcement and administration of
21 this chapter are vested. The Speech-Language Pathology and
22 Audiology and Hearing Aid Dispensers Board shall consist of nine
23 members, three of whom shall be public members.

24 (b) This section shall remain in effect only until January 1, ~~2014,~~
25 ~~2018,~~ and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, ~~2014,~~ ~~2018,~~ deletes or extends
27 that date. ~~The~~ *Notwithstanding any other law, the repeal of this*
28 *section renders the board subject to the review required by Division*

1 ~~1.2 (commencing with Section 473): review by the appropriate~~
2 ~~policy committees of the Legislature.~~

3 SEC. 3. Section 2531.75 of the Business and Professions Code
4 is amended to read:

5 2531.75. (a) The board may appoint a person exempt from
6 civil service who shall be designated as an executive officer and
7 who shall exercise the powers and perform the duties delegated
8 by the board and vested in him or her by this chapter.

9 (b) This section shall remain in effect only until January 1, ~~2014,~~
10 ~~2018~~, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends
12 that date.

13 SEC. 4. Section 2570.19 of the Business and Professions Code
14 is amended to read:

15 2570.19. (a) There is hereby created a California Board of
16 Occupational Therapy, hereafter referred to as the board. The board
17 shall enforce and administer this chapter.

18 (b) The members of the board shall consist of the following:

19 (1) Three occupational therapists who shall have practiced
20 occupational therapy for five years.

21 (2) One occupational therapy assistant who shall have assisted
22 in the practice of occupational therapy for five years.

23 (3) Three public members who shall not be licentiates of the
24 board, of any other board under this division, or of any board
25 referred to in Section 1000 or 3600.

26 (c) The Governor shall appoint the three occupational therapists
27 and one occupational therapy assistant to be members of the board.
28 The Governor, the Senate Committee on Rules, and the Speaker
29 of the Assembly shall each appoint a public member. Not more
30 than one member of the board shall be appointed from the full-time
31 faculty of any university, college, or other educational institution.

32 (d) All members shall be residents of California at the time of
33 their appointment. The occupational therapist and occupational
34 therapy assistant members shall have been engaged in rendering
35 occupational therapy services to the public, teaching, or research
36 in occupational therapy for at least five years preceding their
37 appointments.

38 (e) The public members may not be or have ever been
39 occupational therapists or occupational therapy assistants or in
40 training to become occupational therapists or occupational therapy

1 assistants. The public members may not be related to, or have a
2 household member who is, an occupational therapist or an
3 occupational therapy assistant, and may not have had, within two
4 years of the appointment, a substantial financial interest in a person
5 regulated by the board.

6 (f) The Governor shall appoint two board members for a term
7 of one year, two board members for a term of two years, and one
8 board member for a term of three years. Appointments made
9 thereafter shall be for four-year terms, but no person shall be
10 appointed to serve more than two consecutive terms. Terms shall
11 begin on the first day of the calendar year and end on the last day
12 of the calendar year or until successors are appointed, except for
13 the first appointed members who shall serve through the last
14 calendar day of the year in which they are appointed, before
15 commencing the terms prescribed by this section. Vacancies shall
16 be filled by appointment for the unexpired term. The board shall
17 annually elect one of its members as president.

18 (g) The board shall meet and hold at least one regular meeting
19 annually in the Cities of Sacramento, Los Angeles, and San
20 Francisco. The board may convene from time to time until its
21 business is concluded. Special meetings of the board may be held
22 at any time and place designated by the board.

23 (h) Notice of each meeting of the board shall be given in
24 accordance with the Bagley-Keene Open Meeting Act (Article 9
25 (commencing with Section 11120) of Chapter 1 of Part 1 of
26 Division 3 of Title 2 of the Government Code).

27 (i) Members of the board shall receive no compensation for
28 their services, but shall be entitled to reasonable travel and other
29 expenses incurred in the execution of their powers and duties in
30 accordance with Section 103.

31 (j) The appointing power shall have the power to remove any
32 member of the board from office for neglect of any duty imposed
33 by state law, for incompetency, or for unprofessional or
34 dishonorable conduct.

35 (k) This section shall remain in effect only until January 1, 2014,
36 2018, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, 2014, 2018, deletes or extends
38 that date. ~~The Notwithstanding any other law, the repeal of this~~
39 ~~section renders the board subject to the review required by Division~~

- 1 ~~1.2 (commencing with Section 473): review by the appropriate~~
- 2 ~~policy committees of the Legislature.~~

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